



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 8338

PERMIT 4653

LICENSE 4953
Notice of Assignment (Over)

THIS IS TO CERTIFY, That

Marie Sproule
c/o Heller, Ehrman, White and McAuliffe
14 Montgomery Street, San Francisco, California
has made proof as of August 18, 1955

(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of Old River, Italian Slough, Dredger Cut in Contra Costa County

tributary to San Joaquin River

for the purpose of irrigation use

under Permit 4653 of the State Water Rights Board and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from May 22, 1935; and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed fourteen (14) cubic feet per second to be diverted from January 1 to December 31 of each year.

The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with other vested rights.

The points of diversion of such water are located as follows:

- Point No. 1. Siphon No. 1, South seventy-two degrees seventeen minutes seventeen seconds east ($S72^{\circ}17'17''E$), two thousand five and four hundredths (2005.04) feet from NE corner of $SE\frac{1}{4}$ of Section 1, T1S, R3E, MDBAM, being within the $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 6, T1S, R4E, MDBAM.
- Point No. 2. Siphon No. 2, South forty-six degrees thirty-two minutes east ($S46^{\circ}32'E$), two thousand seven hundred forty-two (2742) feet from NE corner of $SE\frac{1}{4}$ of Section 1, T1S, R3E, MDBAM, being within $SE\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 6, T1S, R4E, MDBAM.
- Point No. 3. Siphon No. 3, North sixty-four degrees eleven minutes fifteen seconds east ($N64^{\circ}11'15''E$), three thousand nine hundred fifteen and sixty-nine hundredths (3915.69) feet from SE corner of $NE\frac{1}{4}$ of Section 12, T1S, R3E, MDBAM, being within $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 7, T1S, R4E, MDBAM.
- Point No. 4. Siphon No. 4, South forty degrees forty-four minutes east ($S40^{\circ}44'E$) two thousand seven hundred seventy (2770) feet from SE corner of Section 1, T1S, R3E, MDBAM, being within $SE\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 7, T1S, R4E, MDBAM.
- Point No. 5. Siphon No. 5, South eleven degrees forty-one minutes forty-five seconds east, ($S11^{\circ}41'45''E$), five hundred eighty-two and eight hundredths (582.08) feet from SE corner of $SE\frac{1}{4}$ of Section 12, T1S, R3E, MDBAM, being within $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 18, T1S, R4E, MDBAM.
- Point No. 6. Siphon No. 6, South forty-six degrees eight minutes east ($S46^{\circ}08'E$) five thousand fifty (5050) feet from NW corner of Section 13, T1S, R3E, MDBAM, being within $NW\frac{1}{4}$ of $SE\frac{1}{4}$ of said Section 13.
- Point No. 7. Siphon No. 7, South nineteen degrees fifty-two minutes east ($S19^{\circ}52'E$) five thousand three hundred sixty-two (5362) feet from SW corner of Section 12, T1S, R3E, MDBAM, being within $SE\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 13, T1S, R3E, MDBAM.
- Point No. 8. Flapgate and dam in dredger cut and Italian Slough, operated in connection with Point No. 9, south eight degrees forty-five minutes east ($S8^{\circ}45'E$), five thousand two hundred fifteen (5215) feet from NW corner of Section 13, T1S, R3E, MDBAM, being within $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of said Section 13.
- Point No. 9. Pump, South four degrees ten minutes eighteen seconds east ($S4^{\circ}10'18''E$), four thousand one hundred seventy-seven and seven hundredths (4177.07) feet from SW corner of Section 12, T1S, R3E, MDBAM, being within $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 13, T1S, R3E, MDBAM.
- Point No. 10. A movable point of diversion along west bank of Old River on lands of Marie Sproule between limits as follows:
- Point A - due east two thousand forty (2040) feet from $W\frac{1}{4}$ corner of Section 6, T1S, R4E, MDBAM being within $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of said Section 6, and
- Point B - north seventy-seven degrees twenty-four minutes east ($N77^{\circ}24'E$) one thousand seventy (1070) feet from $W\frac{1}{4}$ corner of Section 7, T1S, R4E, MDBAM, being within $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of said Section 7.
- Point No. 11. A movable point of diversion along West bank of Italian Slough on lands of Marie Sproule between limits as follows:
- Point B - as described above; and
- Point C - south eight degrees forty-five minutes east ($S8^{\circ}45'E$), five thousand two hundred fifteen (5215) feet from NW corner of Section 13, T1S, R3E, MDBAM, being within $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of said Section 13.
- Point No. 12. A movable point of diversion along East Bank of dredger cut on lands of Marie Sproule between limits as follows:
- Point C - as described above; and
- Point D - south four degrees ten minutes eighteen seconds east ($S4^{\circ}10'18''E$) four thousand one hundred seventy-seven and seven hundredths (4177.07) feet from NW corner of Section 13, T1S, R3E, MDBAM, being within $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of said Section 13.

A description of the lands or the place where such water is put to beneficial use is as follows:
2220.62 acres within Sections 1, 2, 11, 12, 13, 14, T1S, R3E, MDBAM and in Sections 6, 7, 18, T1S, R4E, MDBAM as shown on map filed with State Water Rights Board.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JAN 21 1958

STATE WATER RIGHTS BOARD

By: *Leslie C. Jopson*
Leslie C. Jopson
Chief Engineer

2-2-65 name chgd to Estate of Marie Sproule
4-2-74 Reversed chgd to Shaver
Wm. Richard Baldwin as
owner
9-20-83 Asg'to Corporation of the Presiding
Bishop of the Church of Jesus Christ of
Latter-day Saints, a Utah Corp. sole

LICENSE 1958

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Marie Sproule

DATED JAN 21 1958

40140 7-56 1M ① SPO.

2